

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
of the Commission's Rules)
Table of Allotments)
FM Broadcast Stations)
(Lincoln, Pontiac and Chenoa,)
Illinois))

MM Docket No. 92-204

To: Chief, Allocations Branch,
Policy and Rules Division
Mass Media Bureau

COMMENTS ON COUNTERPROPOSAL

Livingston County Broadcasters, Inc. ("Livingston"), licensee of FM station WJEZ(FM), Pontiac, Illinois, by its attorneys and pursuant to Section 1.405(b) of the Commission's rules, hereby submits its comments in response to the Comments and Counterproposal, RM No. 8126, released November 24, 1992. As set forth herein, the Livingston proposal for the upgrade of WJEZ and its change of city of license to Chenoa best serves the public interest, and should be adopted.

I. Background

1. On September 4, 1992, the Commission released a Notice of Proposed Rule Making in MM Docket No. 92-204, 7 FCC Rcd 5611 (MM Bur., 1992), proposing the substitution of Channel 230B1 for Channel 230A at Lincoln, Illinois. On October 26, 1992, Livingston submitted its comments and counterproposal proposing

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to change WJEZ's community of license to Chenoa, Illinois and to upgrade the station to a Class B1 facility.^{1/} Livingston's proposal is mutually exclusive with the proposed substitution of Channel 230B1 for Channel 230A at Lincoln. Specifically, Livingston proposed the following changes to the table of allotments:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Chenoa, Illinois	-----	229B1
Pontiac, Illinois	229A	-----

This counterproposal would provide Chenoa with that community's first local broadcast service, while enabling WJEZ to substantially increase its service area. As Chenoa was incorporated in 1852 and is listed in the U.S. Census, Chenoa is clearly a community for allotment purposes.

II. Discussion

2. In its initial comments in this proceeding, Livingston has demonstrated that the change in the city of license of WJEZ

^{1/} WJEZ presently operates on Channel 276A, but has been ordered to change to Channel 229A, at its present transmitter location, by the Report and Order in MM Docket No. 90-137, 6 FCC Rcd 26 (MM Bur., 1991). WJEZ has a pending application for the frequency change, a transmitter site change, and an increase in power to 6 kW. Livingston had filed a Petition for Rulemaking to upgrade WJEZ at Pontiac on October 26, 1992, before it was aware of the pendency of the proposed Lincoln upgrade. This earlier proposal appears as a second counterproposal on the November 24 Comments and Counterproposals Public Notice. While Livingston would upgrade WJEZ at Pontiac if the alternative was no upgrade for the station at all, as set forth herein, it believes that the upgrade at Chenoa best serves the public interest.

from Pontiac to Chenoa, and the upgrade of that station to a B1 facility, represents a preferential distribution of broadcast services. It is also clear that Livingston's proposal is favored over the proposed Lincoln upgrade. Pontiac is currently served by an AM station WPOK as well as by WJEZ. Under Livingston's proposal, therefore, Pontiac would retain a local transmission service while Chenoa would gain a first local transmission service. On the other hand, the Lincoln proposal would merely result in the upgrade of an existing station in a community already served by that FM station and an existing AM facility. Under the Commission's allotment priorities, a mere upgrade does not provide as great a public service benefit as that of a first local service. See, e.g., Corinth, Hadley and Queensbury, New York, 5 FCC Rcd 3243 (1990); Andalusia, Alabama, 49 Fed. Reg. 32201 (Aug. 13, 1984). Accordingly, Livingston's proposal to allot Channel 229B1 to Chenoa and change WJEZ's community of license is clearly favored over the Lincoln proposal under the FM allotment priorities.

3. Chenoa, an incorporated, urban city, is clearly entitled to a first local broadcast service.^{2/} As such an allotment would better serve the public interest than the simple upgrade of a station already serving Lincoln, Livingston's counterproposal should be adopted.


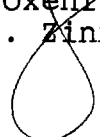
^{2/} Livingston provided some basic facts concerning the governmental, civic and religious attributes of Chenoa in its initial comments. A list of local Chenoa businesses is attached hereto.

III. Conclusion

Since the allocation of Channel 229B1 at Chenoa is clearly superior to the Lincoln upgrade proposal under the FM allotment priorities and would better serve the purposes of Section 307(b) of the Communications Act, Livingston respectfully requests that the Commission adopt the counterproposal set forth herein.

Respectfully submitted,

LIVINGSTON COUNTY BROADCASTERS, INC.

By 
David D. Oxenford
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Its Attorneys 

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Date: December 9, 1992

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WPOK-WJEZ

1080 AM

103.1 FM

315 North Mill Street

LIVINGSTON COUNTY BROADCASTERS, INC.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
Pontiac, Illinois 61764

(815) 844-6101

FAX (815) 842-6515

December 7, 1992

To Whom It May Concern,

I, J. Collins Miller, hereby declare under penalty of perjury, hereby declare the attached list of businesses of Chenoa, Illinois obtained through the City Clerk of the City of Chenoa.



J. Collins Miller

BUSINESSES IN CHENOA AND SURROUNDING TRADE AREA

~~Al & Lee's Limited - Tavern~~

~~Antoon's Beauty Salon~~

Bank of Chenoa - A full service commercial bank.

~~Bill Barrett Real Estate - Complete real estate services.~~

Barrett's Beauty Shop - Complete hair styling services.

~~Bell & Cooney Construction - General carpenter services.~~

~~Bentley Saw Service - Saw sharpening.~~

~~Bob's Kat-E-Korner - Family restaurant with inside dining
and drive-in service.~~

~~Bolt's Dri-Gas, Inc. - Propane gas, bottled & bulk.~~

Brewer's Auto Repair - Automobile service and repair.

Bud Miller Lawn Service - Complete lawn care services.

Burgess, Kenneth Trucking

Butch's Appliance Repair - Complete appliance repair services.

~~J.G.'s Bar~~

Caughey, Legner & Freehill - Attorneys at Law.

~~Century Ins Co - Bruce Johnson~~

Chenoa Answering Service - Twenty-four hour answering service.

Chenoa Antique Mall - Antiques & collectibles from 11 dealers.

Chenoa Car Wash - Inside & outside bay.

~~Chenoa Clipper Times - Weekly newspaper, job printing.~~

Chenoa Dairy Queen - Ice cream products, grill.

~~Chenoa Family Restaurant~~

Chenoa Locker Plant - Wholesale and retail meats, locker
storage and custom butchering.

~~Chenoa Medical Center - Complete medical services.~~

Chenoa Pharmacy - Full prescription service.

Chenoa Sandblasting

~~Chenoa Self-Service Laundry - Laundromat.~~

Chenoa Senior Center - Open 5 days a week.

Chenoa Shell Service - Automobile service station.

Chenoa Veterinary Clinic - Veterinary services for large and small pets and farm animals.

Chenoa Video Arcade

Chenoa Welding Shop - Metal fabrication and welding.

Country and Town Realty - Real estate brokerage, residential and commercial.

Country Companies Insurance - Complete insurance services.

Country Hut Handicrafted Gifts - Handcrafted gifts.

Country Keepsakes & Antique Florals - Silk arrangements & hand-crafted gift items.

Country Lane Antiques - Antiques.

Crossroad Ceramics - Finished ceramics, greenware and instruction.

Doll House, The -

Dorman's IGA - Supermarket.

Duffy-Pils Memorial Home - Funeral Home.

Eastland Medical Center - Chenoa - Full medical services.

Ellis Automotive - Automobile repair and maintenance.

Elson Water Conditioning - Water care softeners and filtrators service for home and business.

Embry Small Engine Repair - Small engine and mower sales and service.

Emergency Squad Training Institute, Inc. - Rescue personnel training.

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Fairbury Federal Savings & Loan Association - Full savings and loan services.

~~Feinhold Garbage Collection Service - Refuse collection for home and business.~~

Feit Pest Control - Complete pest control.

Frank's Bicycle Shop - Bicycle sales & repair.

~~Gibson's Beauty Shop - Complete hair styling services.~~

Golden Shear Barber Shop - Hair cuts and styling for the entire family.

Goodin's Service Used Cars - Wrecker service, U-Haul rentals, tires, cars, and auto repairs.

Green Thumb Gardens - Greenhouse, garden supplies, complete line of arts & craft supplies, complete floral services.

H & R Cob Company - Corn cob collection terminal for shipment to various manufacturers.

H & H Machining - Specialized aerospace components.

Hair by Debby - Complete hair styling services.

Hair Hut - Complete hair styling services.

Harland Accounting Service - Accounting and tax service for personal and business.

Harms Home Funnishings - Complete home furnishings, small appliances, decorative glassware, gifts, etc.

Harrison Carpet Cleaning - Complete cleaning services for cars and carpets.

~~Her House Interstate, Inc. - Family restaurant.~~

Ingle's T.V. - Zenith television sales and service.

Jenny's Stamps - Customized rubber stamps and gold foil printing.

Kauffman's Body Shop - Auto body work.

Kauffman's Belgian Horses

Koerner's Sentry Hardware - Complete hardware store.

Kubiak Chevrolet - Authorized Chevrolet sales and service, used cars.

La Officina - Mexican and American food, alcoholic beverages served.

Lois's Draperies - Custom made draperies.

Marlow's Appliances - Refrigerators, freezers, washers, dryers. Sales and service, complete plumbing and heating service.

McKinsey Appliance - RCA television sales. Service all brands

McLean County Service Company - Fertilizer, farm chemicals and custom application.

~~Memory Lane Treasures - Antiques and "stuff".~~

Midstate Seamless Gutters - Installation and repair of seamless gutters.

Mid-State Turftreet - Complete fertilizer and weed control.

~~Needle-Crafter, The - Craft supplies.~~

Nelson's Computer & Bookkeeping Service

Northern Illinois Gas Company - Natural gas service for home and business.

Old Chenoa Company - General line of antiques & collectibles.

~~Oyer, Dr. Russell, M.D. - General medical practitioner.~~

P & J Ceramics - Greenware, finished ceramics and classes.

Pickett's Beauty Shop - Complete hair styling services.

Pizza Palace - Homemade pizza for pick-up or delivery.

Poole's Amoco Service - Service station, tires, repairs and wrecker service.

Power Agency Insurance and Real Estate - General insurance and real estate.

Prairie Central Cooperative Grain Company - Grain cooperative with grain storage & drying facilities, market information, feed, & fertilizer.

~~Reeser's Amoco Service - Service station, tires, and repairs.~~

Rosenberger, Harry - General contractor.

Seeman Brothers Trucking - Agricultural trucking of limestone, and fertilizer.

Seibert & Sons, Inc. - Manufacture of multiple spindle drilling equipment and tool storage units.

~~Seibert, Warren - Gunsmith~~

Sentry Associates - Contract manufacturer, metal fabrication, painting, assembly and welding.

Simmon's Plumbing & Heating - Plumbing & heating service.

Ken Sipe Insurance - Shelter Insurance - Complete insurance coverage.

Smitty's Plumbing & Heating, Inc. - Complete plumbing and heating service.

Special Service & Supply, Inc. - Manufacture and sales of rescue equipment.

Steve's Cafe - Family restaurant and lounge.

Thrifty Mart - 24-Hour convenience store.

Tinges Service and Supply - Automotive tune-up and front end specialist, Evinrude Outboard Motor sales and repair, boat sales

~~Todd Oil Company - Bulk gas and oil.~~

Trading Station - Antiques, collectibles and used furniture.

Tripke, Dr. Robert, D.M.D. - Professional dentistry services.

Union Roofing Co., Inc. - Roof construction and repairs.

VanHouten Upholstery - Complete upholstery service.

Video Village - Complete line of video tapes.

Wahls Apiaries - Wholesale producer of honey, honey packaging and pollination.

The Wallpaper Nook - All types of wallcoverings, window treatment and paint.

Weber Metal Products - All metal machining operations.

Wells Automotive - Automotive supplies and parts.

~~Wilson's New and Used Furniture - Purchase and sale of new and used furniture and antiques.~~

Winterland Artic Cat Sales & Service - Complete line of Artic Cat snowmobiles & service.

Wood Graphics - Complete line of signs and graphic design items.

CERTIFICATE OF SERVICE

I, Denise Sullivan, a secretary to the law firm of Fisher, Wayland, Cooper and Leader, hereby certify that I have this 9th day of December, 1992, sent copies of the foregoing "COMMENTS ON COUNTERPROPOSAL" by first class United States mail, postage prepaid, to the following:

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*Hand Delivered